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THE
RIOT AND OUTRAGE

OF 9th JUNE,

IN

MONTREAL.

(TO ACCOMPANY A LARGE ENGRAVING OF THE SCENE ABOUT ZION CHURCH
AT THE TIME THE TROOPS FIRED UPON THE RETIRING AUDIENCE.)

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BY AN EYE WITNESS.  
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Montreal :

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1853.

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RIOT AND OUTRAGE

OF 9th JUNE IN MONTREAL.

BEFORE proceeding to narrate the calamitous events of the 9th June in Montreal, the writer has deemed it necessary to advert to the disgraceful occurrences which took place at Quebec three days previously. His reason for so doing is the very obvious one, that the riot and outrage which were attended with such melancholy consequences here, resulted in a great degree from the excitement in the sister city.

In this matter Quebec certainly did set us an example; and it is only to be deplored that Montreal had so many kindred spirits ready to follow it.

On the 3d June, 1853, Signore Gavazzi, or Father Gavazzi, as he is more generally called, passed through Montreal on his way to Quebec, where he proposed delivering two or three Lectures on the Romish System of Religion. It was of course the object of the Padre to present the Church of Rome as a thoroughly corrupt institution; and without assuming that he was perfectly sincere,—a condition quite unnecessary,—no one who has the slightest reverence for Civil or Religious Liberty will deny, that he had the right to propound his views. The Padre was not expected at Quebec, and it may be added, that he was but little known—by reputation, or otherwise—to the majority of its inhabitants. His first lecture was delivered in the Wesleyan Church, and only attracted a moderate audience. To the *Canadien*, a French political newspaper published at Quebec, belongs the credit of having first suggested the idea, that mob violence might be used to disturb these lectures. The hint contained in the words, that "*the Irish did not understand joking about religion, and might perhaps offer some interruption,*" seems to have been immediately received and acted upon; for at the Padre's second lecture, which took place on the 6th June in the Free Pres-

byterian Church—a new and elegant building only of recent erection—a company of armed desperadoes stopped him in his address with abusive epithets, and being reinforced by outsiders of the same temper, an attack was made upon him, with the evident intention of taking his life. To his own prowess, and that of several of the respectable persons present, his escape from the brutal and murderous assault is due.

On the same day, information having reached the gentlemen interested in Gavazzi that violence might be apprehended, a requisition for the services of the Police had been made, and a detachment was at hand during the affray; but owing to the hitherto unexplained and singularly mysterious course of the party whose business it was to direct their movements, the men continued inactive throughout; and but for the approach of the military, a scene of terrible slaughter might have been enacted. Upon application to the Mayor for protection during the third lecture, he admitted his inability to afford it, and the lecture had to be dispensed with. The mob was victorious!

Advice of these events having early reached Montreal, and it being known that the Padre proposed addressing our citizens, a very strong feeling of opposition was manifested by some of the Roman Catholic Irish. The City Concert Hall had been leased for the lectures; but the Mayor was beset by some of the most influential of the class above named, and so terrified with threats, that he deemed it prudent to veto the action of the Committee whose business it was to lease the Hall, and with whom a regular agreement had been entered into for its use. The fact of such intimidation having been used, is established by the evidence of the Mayor himself given at the Coroner's inquest; and when it is taken into account, that his Worship is a Roman Catholic, it may be presumed that he would make his statements as little damaging to his co-religionists as a due regard to truth required. In justification of this extraordinary proceeding on the part of the gentlemen implicated, it is alleged that the Hall is the property of the citizens, and that to let it for the purpose of attacking the religion of a majority of them, is an insult which cannot and ought not to be borne. These gentlemen, however, forget that a different doctrine was held at Quebec when the Parliament House was granted to Mr. Brownson, and where he was allowed to discourse in his usual free way, without the exercise of much delicacy towards the feelings of the Protestant part of the community. But the use of the most important public building in the country by Mr. Brownson, viz., the Hall of the United Parliament of the two Canadas, should not of course be regarded as a reason why the upper room of a public Market should be granted to a party whose views were precisely the reverse of his. And then Gavazzi is an apostate from the Church of Rome, whereas Mr. Brownson is an apostate to the Church of Rome! surely the same rule cannot apply to two persons so widely differing in their opinions. Well the Hall was refused; but it is fair to state, that the gentlemen who interfered

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to prevent its occupation by Gavazzi, expressed their willingness that he should lecture any where else, and stated their belief that he might do so with perfect safety. They did more, they offered to use their influence to allay any feeling of irritation, and to help in preserving the peace; accordingly they appear to have been on the ground on the fatal 9th of June, endeavoring to sooth the excited populace—unhappily, however, without effect.

Failing to procure the City Concert Hall, the friends of Signore Gavazzi obtained the use of Zion Church; and to obviate the danger of dispersing after dark, when evil disposed persons might the more safely disturb the peace, the Lecture commenced at about a quarter to seven o'clock, and would have been over by eight if there had been no disturbance; as it was, the service closed shortly after eight o'clock, or while it was yet light.

The writer of this account—with many others whom he knows personally—attended the lecture, not from a love of polemical discussion, but with the desire of upholding the right of free speech, the constitutional heir-loom handed down by their forefathers as a sacred trust not to be lightly esteemed or jeopardized. It has, indeed, been fashionable with some Protestants, so called, since the 9th of June, to decry the men who invited Gavazzi to lecture here, *the danger* being alleged as a primary reason, the right of Gavazzi to lecture and of others to hear him being somewhat ungraciously conceded. Of this spurious liberality it is enough to say, that the fable of the old man and his ass aptly typifies its advocates—they please nobody, and lose their labour.

For some time prior to the commencement of the Lecture, the avenues to Zion Church were thronged with a restless but not riotous multitude; and, at about seven o'clock when the writer entered the church, large masses of men might be seen at the junction of the several streets running out of the Hay Market; but till then, they had remained at a distance from the place of meeting.

At this time the Police were posted immediately in front of Zion Church; and with the exception of a man and one or two boys—the former evidently more than half drunk—who resisted the quiet entreaties of the Chief of Police to retire, nothing seemed to indicate the approach of trouble. It is, however, impossible to overlook the testimony adduced by some of the Police themselves, and of other persons members of the Roman Catholic communion, to the fact, that shortly after this a mob of riotous men, led on by parties quite well known, and sworn to by name, attacked the Police at different times, and finally dispersed them. The Church was well filled, the lower part chiefly with men, and the platform occupied with as many of our most respectable citizens as could find room upon it, among whom might be seen clergymen, merchants, lawyers, &c. After an introduction by the Rev. John J. Jenkins, the lecturer addressed himself to his task, and expatiated forcibly upon the right of free speech. The severe handling he had got at Quebec was fresh in his mind, and he was also probably suffering from the contusions he had there

received. His address excited the greatest enthusiasm, and he was repeatedly and vigorously cheered. The good will which characterized the applause caused it to be heard out of doors, to a considerable distance, and it was this which seemed to exasperate the outsiders. Every token of applause inside was answered by a shout of derision or defiance in the street; and when the lecturer had occupied some forty minutes, the excitement there had become very great.

It was at this time that something occurred in the lobby to disturb the audience. Not having left his seat in the Church, the writer cannot say, from personal knowledge, what there occurred, but he does undertake to say, that the "extreme disorder" spoken of in the evidence by a certain party before the Coroner's Jury, as prevalent at the lecture, had no existence previous to this disturbance. And that this disturbance was not causeless, is amply proved by the most reliable testimony, and especially by that of the witness Broomer, who having left at this time with the intention of reaching the Quebec boat, which was to leave at eight o'clock, was assailed with stones, by which his head was much cut, and who, in addition, received a pistol ball through his hat. At this time it was that the Police were overpowered by the mob, their Chief severely beaten and injured, and the men scattered to the four winds. Broomer was taken up bleeding by some of the people watching at the door of Zion Church, and carried into the basement of that building; and it was this circumstance, together with the proximity of the victorious mob, which disturbed the audience. It is to be noted, that *the shot at Broomer was the first fire* of which any account has been given in the evidence by either Roman Catholic or Protestant witnesses. This is worthy of consideration; and in estimating the conduct of the parties in any way implicated, the fact that a pistol was discharged at an unoffending person,—the ball passing through his hat,—previous to the sortie by the people from Zion Church, will go a long way towards explaining the reasons for this sortie. In the testimony adduced relating to this stage of the riot, or to speak more correctly, relating to *the riot*,—for there appears to have been little if any rioting besides what occurred at this time,—some slight discrepancies are observable. One class of witnesses states clearly and positively that the mob had completely routed the Police; that the men had sought safety in flight; that the aspect of things being so threatening, the Mayor and other members of the Corporation deemed it high time to bring the military on the ground, and that the utmost expedition was used lest they should arrive too late. It is also in evidence, that one or more shots were discharged by the rioters towards Zion Church, and that a volley of stones assailed the persons who stood as watchers upon the steps. It is, moreover, testified, that with significant cries, such as "let us have him out," &c., the mob were making a rush towards the Church, and had reached the outer gate; that gentlemen known as members of the City Council, and exercising authority, had despaired of preventing the attack, and had loudly called upon parties at the door "to protect them-

selves." admitting impossibility they are speak of motives especial Church, and sea or overlial in attempt the mob deavoring unsuccessful in the O adduced evening? While giving the want of pecially parties alleged Church by the so in full or road of t to disperally out quiet or dence; a would not the perso charged spaces of while the may be a at partic any whic sonable; Zion Chu was made the very g It is no pate the limit of th presented. special ple

selves." On the other hand a different class of witnesses, while admitting the discomfiture and dispersion of the Police, and the utter impossibility of restraining the mob, whose designs upon the Church they are apparently unwilling to admit, and yet unable to deny, speak of their peaceable bearing, and imagine they were actuated by motives of curiosity, &c. &c. This class, however, seem to have had especial respect to the conduct of *the parties that came out of the Church*, and while ignoring much of what passed before their eyes, and scarcely able to rationally account for the defeat of the Police, or overlooking it as a very trifling matter, are prolix and circumstantial in what relates to the doings of the Church party, and even attempt to identify those among them who discharged firearms upon the mob. It is indeed remarkable, that persons who were there endeavoring to persuade and quiet the rioters, but who were utterly unsuccessful, should yet have apprehended no danger to the audience in the Church. This, nevertheless, is the character of the evidence adduced by the two classes, in relation to this important part of the evening's occurrences.

While endeavoring to digest the testimony for the purpose of giving this brief account, the writer has become impressed with the want of precision and continuity in the facts narrated. This is especially the case here, while endeavoring to present the position of parties at the time the sortie was made from Zion Church. It is alleged that the mob were dispersing *when* the parties from the Church fired upon them, and it is also stated that they were dispersed *by the sortie*. Now it is scarcely credible that an excited multitude, in full cry towards a certain point, and after having just cleared the road of the only obstacle, should all at once become quiet, or begin to disperse of their own accord; nor is it likely that parties should sally out and begin an indiscriminate and murderous fire upon a quiet or retiring crowd. There is evidently some hiatus in the evidence; and a closer attention by the Jury to the narrative form, would no doubt have elicited the fact which may still be proved, that the persons who first rushed out of the Church immediately discharged their firearms upon the formidable mob then within a few paces of them; that the mob *then became alarmed*, and ran; and that while they were running, some shots were very unnecessarily, and it may be added, "culpably and unjustifiably" fired among them, or at particular individuals. That this view is nearer the truth than any which has yet been taken, will, it is thought, appear quite reasonable; and the fact that one person at least was shot opposite to Zion Church, confirms the idea advanced, that a discharge of firearms was made at once by the people coming out, upon a riotous crowd at the very gate.

It is not the writer's purpose to criminate one party and to exculpate the other, nor is it his desire to intrude his opinions; but as the limit of this sketch does not allow the adduction of the evidence as presented to the Jury, he will so far digress as to say, that while no special pleading or pettifoggery can justify the conduct of the rioters

before Zion Church, it remains to be proved that there existed a necessity for recourse to the extreme measure of shooting at them. But even supposing that the danger to the audience was so imminent as to justify a discharge from the Church door—and it ought not to be doubted, that if the whole assembly had become so alarmed as to attempt rushing out among the crowd the *melée* would have been attended with very serious results—it is a scandalous want of fairness to conceal or wink at the guilt of the parties who, after the dispersion of the mob, ran after them down the street, and deliberately took aim upon the fugitives. The act was mean and cowardly, as well as cold-blooded and inhuman; and every attempt to justify or palliate its guilt, shows the absence of a true respect for “the precious life” which no man has a right to take away saving and except when his own or that of his neighbour cannot otherwise be preserved. Let who will be offended, the writer, as an advocate of free speech, claims the privilege of disavowing for himself, and for many other persons present in Zion Church, all sympathy with the men who are so ready to take the blood of their fellow creatures.

It may here very properly be remarked, that in cases of popular excitement, and especially of party excitement from any cause, but more particularly still, of excitement connected with religious questions, there are extreme men always ready to transgress the bounds of reason and justice. The writer has no doubt that maugre the public meeting of Roman Catholic citizens, or the fiery zeal of Roman Catholic newspapers here and elsewhere, the reasonable men of that persuasion disapprove, in their inmost heart, the acts of the mob both at Quebec and Montreal. Indeed, he has been assured of this fact by several gentlemen of that communion, with whom he has the pleasure of intimate acquaintance. It may sound very large, and look very portentous, for editors to write about “blood boiling,” and inability to resist the insult offered to their religion; and the brutal advice to strike Gavazzi on the mouth, which another peace-breaker propounds, may make quite a figure in print, but such men may be told, that so far from their fury being a proof of zeal for religion, it is the most convincing evidence they could furnish of the utter want of that heavenly possession. Their religion is that of the two disciples who wanted to call down fire from heaven, but who were very properly rebuked with “Ye know not what spirit ye are of,” &c. And whether this fury be exhibited by riotous multitudes of one creed seeking the life of an obnoxious monk, or by infatuate zealots of another taking aim at their retreating assailants, the character of each is but evenly balanced.

Protestants, truly such, earnestly repudiate the ferocity which would unnecessarily shed human blood; and it were well if the leaders of opinion on the other side would disavow all sympathy with the “blood boiling” gentry.

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bear them," just as other people do; for brutal violence will not be tolerated in "this Canada."

By this sortie two persons at least received death wounds,—James Walsh, who died on the same evening, and Michael Donnelly, who expired on the 11th of July—and it is probable that others were more less severely injured, some twelve or fifteen shots having been then discharged. It may now be said that the riot was effectually quelled. A short time afterwards the troops came upon the ground, and took position in two divisions, some thirty-five paces apart. After the sortie the people returned into the Church, and the audience resumed a quiet and orderly demeanor. Gavazzi continued his remarks for about a quarter of an hour, and when the meeting broke up, nineteen-twentieths of the audience were quite unaware of the scene which had been enacted out of doors.

The writer left among the first, and coming down the street, stood a while opposite the lower division of soldiers, admiring some evolutions which were being gone through. He afterwards crossed the Hay Market, towards Craig Street, which then appeared most free of people. At this time everything was remarkably quiet, except about the Engine House, where there was some restlessness, but nothing to be called commotion. Some hundreds of people were coming down the walk towards M'Gill Street, and a larger number choosing the more circuitous but quieter quarter went up the hill towards the Unitarian Church. The writer had just passed in front of the lower division of soldiers, and waited a moment to speak with some French gentlemen at the corner, when three shots were fired in the vicinity of the Engine House. These shots were apparently aimless, and do not seem to have done any harm. From the weak report they were evidently from very small pocket pistols, incapable of carrying a bullet to the troops. Nobody seemed to care a rush about them, for although there were knots of people standing all about talking, this firing was quite unheeded, at least so far as the people within range of the writer's observation were concerned. A few moments only elapsed, however, before the lower division of the military gave their fire, and then the loungers in all directions immediately moved off. The writer, believing that it was a discharge of blank cartridge, felt no alarm, and looked on. The fire did not appear as directed at right angles with the division, but to be intended rather to sweep the area, equivalent to about one-third of a circle. In less than one minute, the upper division also fired, but not with the same precision or regularity as the lower. The discharge appeared more like a *feu de joie*, or like firing at target, when some soldiers take longer time to aim than others. By the fire of the lower division, two persons also came to their death, viz.: Thomas O'Neil, shot through the left leg, who survived until the 8th July; and James Clendinen, a lad aged 13 years, also shot through the leg, died on the 20th July. Other persons were struck, but none others fatally. By the fire of the upper division,

nine persons, if not more, have lost their lives. The following deaths have already followed :—

James Hutchinson (a young man just married), shot through the head ; survived only a few minutes.

Crosby Hanson Clarke, aged 23 years, shot through the heart ; died on the spot.

James Pollock, an old man incapable of offence, shot dead ; received the ball through the body.

Peter Gillespie, aged 37 years, shot through the head ; died next morning : leaves a wife and children.

James Macrae, mortally wounded ; died June 10th.

William Benally, a young man 17 years old, shot through the foot ; died June 12th.

Daniel M'Grath, also a young man, 17 years old, shot through the body ; died June 11th.

Charles A. Adams, aged 31 years, shot through the lungs ; died June 28th.

James Lewis, aged 34, wounded in the foot ; seemed to be doing well until the beginning of July, when a surgical operation became necessary. At this stage, when greatly reduced in strength, scarlet fever supervened, and he died July 8th.

In addition to these victims, several persons were so severely wounded that amputation of their limbs became necessary, and consequently they are crippled for life. This vast sacrifice of human life could not but be productive of instances of heart-rending distress. Young men, the pride of their homes, were slain : young married men, with bright prospects before them, and rich in the hallowed delights of pure and holy affections, were snatched from those they loved so well : fathers, in the prime and vigour of manhood, with the ripper joys of domestic bliss, with prattling children and attached friends awaiting their return, came home to die : old age was ruthlessly immolated, and tender youth cut off in early spring. Thirteen persons have thus up to this time been hidden from sight. Parents weep for their children and will not be comforted. Widows and fatherless children wail in unprotected solitude the loved and lost husband and the revered guide. The Church sorrows over some of its exemplary members, and society generally sympathises in the widely extended grief. It may truly be said, that no event has ever stirred the public mind as this has done. It seems as if the wound was beyond surgical skill. It remains open, and every day it bleeds afresh ; yet may we hope that time will heal it, and heal it so effectually as forever hereafter to prevent the recurrence of anything so dreadful and afflicting.

The firing of the troops at a time when, by general agreement, there existed neither the reality nor the appearance of a riot, very naturally excited the astonishment and indignation of men of all parties ; and the fatal discharges had not been delivered more than a few minutes, when both Catholic and Protestant gentlemen surrounded the Mayor, by whose orders it was then believed the soldiers had fired, some asking him in God's name why had he done so, and others charging him with the wholesale murder of the peaceful and unoffending citizens. In fact the whole multitude stood aghast at the atrocious deed ; and certain distinguished military officers then present,

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conceiving the Mayor's person to be in some danger, managed to place him in such a position among the soldiery as to secure him from attack, a precaution which, however, does not seem to have been required. According to the evidence furnished to the Coroner's Jury, relative to this mysterious affair, it appears that, notwithstanding the general quietude and orderly demeanour of the great masses of people then on the ground, including both the retiring audience and the lookers on, the pistol shots already alluded to as having been fired from the vicinity of the Engine House, so excited or exasperated the Mayor that he immediately commenced reading the Riot Act; that there were at his elbow several persons who alarmed his fears and urged him to take decisive measures; and that at this juncture the lower division fired towards M'Gill Street. It is but just to say, that the Mayor himself denies that he gave the order to fire, and that other persons who were near him at the time also testify that he did not do so, or at least that they did not hear him, but must have heard him if he had. On the other hand it is sworn to by several, indeed by quite a number of most respectable and intelligent persons, that he did both give and repeat the order, and that in so loud and peremptory manner as to leave not the shadow of doubt as to his eager desire for its fulfilment. Several important facts corroborative of this testimony are also adduced. For instance, one gentleman charged him in the most vehement manner with having given this order, to which he answered, "What could I do, the people were murdering each other," or words to that effect; to others who accused him of murder, he made replies indicative of his willingness to take the responsibility; and to others again he distinctly admitted that he had ordered the fire. When it is understood that the Mayor, under extreme excitement, previous to this time, had requested that the soldiers, before leaving their concealment, should load with ball cartridge, and then had hurried them to their post, alleging "there was no time to be lost," and when it is further added, that according to the current evidence he was almost frantic, and scarcely knew what he was about, few dispassionate persons will hesitate in deciding on what side the weight of evidence is found.

With respect to the firing of the upper division, there is much greater mystery. It was by this discharge that nine persons were mortally wounded, and here at least there existed scarcely the pretence of tumult or disorder. The people in front of that section were moving up the hill as peacefully as congregations usually disperse after Divine service. The evening was calm and beautiful; the troops were standing at ease, and many persons turned round to admire their excellent appearance. What then could have induced these men, strangers to the citizens and to the supposed causes of strife, to point their deadly weapons and pour a murderous shower among them? This question has yet to be answered.

It is in evidence that just before the fire of this division, one or two pistol shots were heard on the hill top, and one of the officers seems to have heard the whizzing of the bullets. It is remarkable,

notwithstanding, that not one of all the orderly and well-disposed persons at that time on the hill saw the parties with the pistols. There had been no riot at all in that quarter during the whole evening; the affray, some forty minutes before, had occurred at the distance of some hundreds of yards; but long before this the rioters had fled. The only rational supposition respecting these shots is, that parties who had taken pistols with them, were glad of the opportunity of discharging their contents in the air, and did so when they imagined all the danger was past.

But allowing the shots to have been fired in the direction of the military, can this be pleaded as a reason for the sudden volley of over fifty soldiers upon a moving procession of men, women and children? Would the act of one or two ruffians, committed under such circumstances, demand so terrible a retribution? The officers in charge of the soldiers admit that it was not an adequate provocation. The soldiers themselves do not plead it as a provocation!

Regarding the fire of both divisions, one point only seems at all like proved, and that is, the Mayor's order to fire.

To understand the relations which both the officers and men on duty that evening sustained towards each other, and collectively towards the civil authorities and the public generally, the instructions by which the military are bound to govern themselves on such occasions are here subjoined:—

Extracts from the Queen's Regulations for the Army, issued from the Adjutant General's Office, Horse Guards, 1st July, 1844, and now in force.

3. In order to guard against all misunderstanding, Officers Commanding Troops or Detachments are, on every occasion in which they may be employed in the suppression of Riots, or in the enforcement of the Law, to take the most effectual means, in conjunction with the Magistrates under whose orders they may be placed, for notifying behorehand, and explaining to the people opposed to them, that in the event of the Troops being ordered to fire, the fire will be effective.

4. No Officer is to go out with Troops in the suppression of Riot, the maintenance of the Public Peace, and the execution of the Law, except under the requisition of a Magistrate in writing.

5. The Officer Commanding the Troops is to move to the place to which he shall be directed by the Magistrate; he is to take care that the Troops march in the regular military order, with the usual precautions, and that they are not scattered, detached, or posted in a situation in which they may not be able to act in their own defence.

6. The Magistrate is to accompany the Troops, and the Officer is to remain near him.

7. All commands to the Troops are to be given by the Officer.

8. The Troops are not, on any account, to fire, excepting by word of command of their Officer; and the Officer is not to give the word of command to fire, unless distinctly required to do so by the Magistrate.

9. When the number of the detachment shall be under twenty files, it is to be told off into four sections.

10. If there should be more than twenty files, the detachment is to be told off in more sections than four.

11. The Officer Commanding is to exercise a humane discretion, respecting the extent of the line of fire.

12. If he should be of opinion that a slight effort would be sufficient to attain the object, he is to give the word of command to one or two specified files to fire. If a greater effort should be required, he is to give the word of

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command to one of the sections, told off as above ordered, to fire; the fire of the other section, being kept in reserve till necessary, and when required, the fire of each of them being given by the regular word of command of the Commanding Officer.

13. If there should be more Officers than one with the detachment, and it should be necessary that more sections than one should fire at a time, the Commanding Officer is to fix upon, and clearly indicate to the Troops, what Officer is to order any number of the sections to fire; such Officer is to receive his directions from the Commanding Officer, after the latter shall have received the requisition of the Magistrate to fire. No other individual, excepting the one indicated by the Commanding Officer, is to give orders to any file, or sections, to fire.

14. The firing is to cease, the instant it is no longer necessary, whether the Magistrate may order the cessation or not.

15. Care is to be taken not to fire upon persons separated from the crowd.

16. It is to be observed, that to fire over the heads of a crowd engaged in an illegal pursuit, would have the effect of favoring the most daring and the guilty, and might have the effect of sacrificing the less daring, and even the innocent.

17. If *firing* should unfortunately be necessary, and should be ordered by the Magistrate, Officers and Soldiers must feel that they have a serious duty to perform, and they must perform it with coolness and steadiness, and in such manner as they may be able to discontinue their fire at the instant at which it shall be found that there is no longer occasion for it.

Of the Mayor's duty it is also proper to say, that before calling upon the military to charge or fire, he must give notice to the riotous assembly that they are immediately to disperse. For this purpose the Riot Act is to be read in their hearing, and after this proclamation, a refusal to depart constitutes felony, and subjects the offenders, not to be shot, but to be arrested,—unless indeed the rioters proceed to deeds of violence, for the repression of which the civil power is inadequate,—and then when all other hope of quelling the tumult fails, he may, as a last and extreme measure, request the Military Commander to use such means for that purpose as he may have at command.

The following apposite remarks are taken from the *Transcript of 19th June* :—

"It is a very common error to suppose, that until the Riot Act is read, that is, until the reading of the Proclamation contained in it, the military authorities cannot act. This is very wrong. The effect of reading the Riot Act is this, that a meeting, however peaceable, becomes guilty of a felony, if it does not disperse within an hour from the reading of the Proclamation; the responsibility of reading it rests with the magistrate. When the Proclamation is once read, in the Queen's name, commanding all loyal subjects to disperse and go to their homes, it is a felony to remain, though there be no overt act of sedition or violence; and it is wilful murder to shoot down, or in any way assault, any persons who, in obedience to the Proclamation, are leaving the place while it is read.

"There is also another very popular error, which ought to be corrected. People think the military have no right to fire, or the Police to act, until this Proclamation is read. The public cannot be too soon undeceived in this respect. The object of reading the Riot Act, or rather the short Proclamation contained in it, is to disperse a meeting, which, however innocent, the magistrate in his own discretion, subject to responsibility, thinks is dangerous to the Queen's peace; and, no matter what be the result, any persons who remain after that solemn warning, are felons, whether there is actual violence committed or not: when life and property are endangered, there needs no Proclamation. It is then the duty of every one of the Queen's subjects, civil or

military, to protect every other subject, with such arms as he has in his hands, or, if he have none, with his own personal strength. There is no doctrine more certain, than that a soldier, by being armed, does not cease to be a citizen. We are all bound, at common law, with such weapons as we have, to assert the Queen's peace, and to protect our peaceable fellow subjects. Not to do so, is not merely a most dishonorable act, but a misdemeanor."

Now all the testimony is in agreement—

1st. To the absence of anything like a dangerous riot at any point within range of the soldiers' musketry at the time of the fire.

2nd. That there was no necessity for the reading of the Riot Act, the Mayor himself admitting that he read it merely as a matter of precaution.

3rd. That the persons on whose account the Act was read, and to whom it is presumed to have been read, were at such a distance as to be unable either to see or hear the Mayor do it. That in fact they knew nothing at all about it, and so could not be held to have refused obedience. How under such circumstances the order to fire upon them can be justified, appears difficult to understand.

On the morning after the carnage, a meeting, called at a very brief notice, was held in the St. George Hall, and was attended by a large number of the leading Protestant men of the City, and by some respectable Roman Catholic French Canadians. After passing resolutions expressive of sympathy with the surviving sufferers, and protesting, in the strongest and most solemn manner, against the parties implicated in the guilty transactions of the previous evening, it was further determined, that the right of free discussion should at all hazards be maintained, and a request was forthwith sent to Father Gavazzi to proceed with his lectures. A Committee was also appointed to wait on the Corporation, to demand protection for the lecturer and the citizens who might wish to hear him. The answer of the Padre was to the effect, that he would willingly risk his own life, but that he could not consent to jeopard those of the citizens, and that he could only agree to continue his addresses on condition that the City authorities undertook to preserve the public peace. On the other hand, the City Council, then holding an extraordinary session, replied, that if the meeting were held, all that could be done would be done to maintain the peace, but that no guarantee could be given that it would not, notwithstanding every effort, be violated. The deference which this answer evinces towards the mob, and the much greater timidity which some of the Protestant speakers of the day in the Council exhibited, will not be easily forgotten. The answer not being satisfactory, the lecture was indefinitely postponed—a proceeding which the right minded of all creeds have not ceased to regret and condemn.

On the same day the Coroner empanelled a Jury, composed of the following persons:—

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| W. A. Townsend. | Thos. Conway. | Louis Renaud. | W. E. Evans. |
| Alfred Larocque. | Jas. Megorian. | Jean B. Beaudry. | J. W. Haldimand. |
| Calvin P. Ladd. | Neil Doherty. | F. X. Brazeau. | J. A. Labadie. |
| E. C. Tuttle. | Robt. Anderson. | A. Prevost. | J. Belle— |
| Thos. Jenking. | H. Mulholland. | F. M. Laflamme. | |

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who after viewing the bodies of James Pollock, Crosby Hanson Clarke, James Hutchinson, and Peter Gillespie, adjourned until the next day. It should also be stated, that at the meeting of the citizens, a Committee of Vigilance was appointed to watch the proceedings before the Coroner. During the investigation by the Jury, which lasted 25 days, and before which over one hundred witnesses were examined, the facts we have narrated were sworn to by almost all the witnesses.

The attention of the Jury, after proof of the firing, was early directed to searching out the parties responsible for the acts of the soldiery. Strong proof, as already stated, was offered to fix the giving of the order to the lower division upon the Mayor; but the evidence is not conclusive with respect to his having repeated it to the upper division, and though his command to fire may have been heard and taken by both divisions, it may be doubted whether it was his intention that the upper one should act upon it.

As, however, it is quite clear that the fire was an unnecessary, and therefore highly culpable act,—the guilt of which, to be sure, the Mayor might share with those who committed it, but of which he could not in any wise relieve them,—the next step was to find out who delivered the usual military words of command to the troops. Colonel Hogarth, the commanding Officer, positively affirmed under oath that he had not given the order. Lieutenant Quartley, the officer in charge of the lower division, and Captain Cameron, in charge of the upper one, also declared under oath that they had received no orders from their superior officer to fire, nor had they given any to the men. On the other hand, the troops, or most of those examined, clearly and distinctly testify to having received the ordinary words, viz., "carry arms—ready—present," from the Colonel, or other officers in immediate command of them. Other testimony to the same effect, from reliable sources, was received, and it is known that at the time of closing the Inquest several other witnesses were in waiting ready to make oath to the same facts. Immediately after the fire, Lieut. Quartley passed along his division, and informed them that if they were required to fire again they would do so in sections of five, each section to wait until it received a separate command. Taking in account the perfect discipline of British troops, it does seem extraordinary that over one hundred men, under the eye of their officers, and in presence of several other military men of high rank, besides a large number of apparently most respectable citizens, should so utterly forget themselves as, without proper orders, to pour a murderous volley into a quiet and unoffending mass of men, women and children. The thing does not seem credible. But in support of the view which is now becoming the settled conviction of the public mind, viz., that the soldiers did receive not only the ordinary words of command, but that they did so receive them from their proper officers, it is alleged, that so flagrant a breach of discipline as firing without orders would have called for immediate rebuke, and for the arrest of the offenders without loss of time, whereas no rebuke was

given, no arrests made, no trial instituted, in fact nothing to indicate that the men had committed an act of the most extreme and fatal insubordination was done; but contrariwise, when their first discharge had been fully made, one of the officers passes through his division and instructs them with respect to the manner in which they are to proceed if a second discharge should be required, a circumstance which certainly appears to confirm the statements of the men, that the act committed was in the way of obedience to their superiors.

On the side of the Colonel evidence in rebuttal of the men's testimony is adduced, which ought not to be overlooked. The bugler, whose business it was to be always within a few paces of that officer, to receive and transmit his orders, positively affirms that, having been at his post, and, as in duty bound, following the movements of his Commander, he could not have given the orders to *carry arms, make ready, and present*, without his knowledge, but that he is certain Col. Hogarth did not give such orders. The other officers on duty that evening also exonerate the Colonel from the charge of giving these orders, and further deny that such orders originated with or were given by themselves. In estimating the value of all this evidence, viz., the Mayor's, the Colonel, the other officers, and the men who fired, it should be remembered that they are all interested witnesses. This is not a place to pay compliments, or the writer might dwell upon the exceeding improbability that men having so sacred a sense of honour as British officers, should say aught not strictly true to the facts. He certainly does not prejudge them, but adduces those features of the case which would be of account in a regular judicial investigation.

It is now very proper to allude to a witness who seems to account for the firing without implicating the officers, or making the men guilty of anything more than a mistake, which, under the circumstances, could not have been avoided without the risk of committing an act of disobedience—an act which, however, would have been not only excusable in a moral, but even in a legal point of view, as might easily be shewn. The witness now spoken of was one Margaret Parker, the daughter of an old soldier, who, with her father, had been a good many years attached to a Regiment of Cameronianians, and who consequently knew something of military discipline and order. She deposed, that during some temporary excitement, being near the Mayor, and between the two divisions of soldiers, she saw a person—whom she characterized as an Irish villain—putting his hand to his mouth like a trumpet, and uttering the military words, “ready—present,” in a loud voice, and in the precise and imperative manner in which such commands are usually delivered by military officers; that she supposed him to have been an old soldier, who understood very well what he was about, and that immediately afterwards the firing commenced; that the person who thus simulated the Commanding Officer's voice, exulted in the mischief he had caused, by saying,

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"it took Pat to suck in Sandy"; that witness pointed him out at the time, and was eager for his apprehension, but that in the confusion which ensued he escaped.

If the testimony of Margaret Parker is believed, some of the perplexities now characterising other parts of the evidence will be much lessened, and the officers to some extent exonerated from the act of the men—to what extent the writer will not attempt to say, for it is his opinion that there were laches that evening which cannot be covered, even by Mrs. Parker's very extraordinary and unsupported statements.

It would be easy enough to swell these remarks and narrations into much larger volume, but the writer is satisfied that very little of elucidatory matter could be added. The evidence furnished to the Coroner's Jury is overburdened with repetitions and opinions, and answers to irrelevant questions, but contains little in addition to what has been presented in this sketch; and until fresh evidence is adduced before the proper tribunals, the facts presented will enable the unprejudiced mind to arrive at proper conclusions with as much certainty as if the whole proceedings of the 25 days, and the depositions of the 106 witnesses were furnished in detail.

On the last days of the Inquest, and indeed for several days before, the Jurymen complained of the constant repetitions, and expressed a desire to bring the inquiry to a close, unless some new and important evidence should be forthcoming. It is to be presumed that the Coroner was satisfied, from personal examination, that the witnesses whose testimony was offered could state nothing new, for he declined bringing them forward, and brought the inquiry to a close with the following Charge to the Jury:—

GENTLEMEN OF THE JURY,—

It was my intention to have entered at some length upon the evidence adduced, and the various incidents connected with the prolonged investigation to which you have devoted for so many days past, your patient and attentive consideration, but the time already spent, and your anxiety to close the proceedings, induces me to confine myself to a recapitulation of some of the most prominent facts and circumstances of the enquiry, leaving the testimony at length, which must be fresh in your recollection, to be sustained by the written depositions, which will accompany you for reference, in the consideration of the verdict which the law calls upon you to render. It is proper to observe, in the first instance, that the Inquests of the Coroner, and the judicial investigations which the Law requires him to conduct, are in no case conclusive, and that any one affected by them either collaterally or otherwise may deny their authority, and put them in issue, whilst at the same time it is clear, that evidence as well against the interest of the Crown as for it, must be received, for there is no person to be condemned to death by the inquest, but only the fact to be enquired into, an inquiry truly how the death happened rather for information of the truth of the fact, as near as the Jury can assert it on their oaths, than for an accusation; accordingly it has been for the Coroner's inquest to find the matter as they judge it was. I shall only add, that the Jury must in all cases consist of twelve, at the least, and that twelve must agree in the verdict.

It would appear from the testimony, that apprehensions having been entertained that violence would be used, to interrupt a public lecture announced to be delivered by a noted individual named Gavazzi in Zion Church, on the evening of the 9th June last, the Mayor of the City, the Honorable Charles

Wilson, adopted precautionary arrangements by bringing to the ground the municipal Police Force, together with a division of Her Majesty's 26th Regt. of foot, then recently arrived in Montreal; the former were posted under their Superintendent and Officers, in the immediate vicinity of the Church, and the latter under cover and out of sight, in the Engine-house, at from six to seven hundred yards distance,—the Church having been obtained for the lecture in consequence of the previous permission granted for the use of the City Hall having been withdrawn by the Mayor upon threats of violence, and upon remonstrances made to him that Gavazzi would not be allowed to lecture there; it was at the same time well known throughout the city, that a similar lecture at Quebec, by the same individual, two or three days before, had been accompanied by bloodshed and tumult. On the occasion in question, the church was filled by a crowded auditory, of both sexes, and the lecture had continued without interruption for some time, when a turbulent mob collected in the street, in the immediate neighbourhood; excited to violence by the applause given to the lecture within the church, endeavoured to force an entrance, and with loud shouts and cries "let us have out Gavazzi" assailed the church and the Police force with stones and missiles, and discharged firearms in the direction of the church. The collision between the mob and the police becoming alarming, and fears arising that the latter would be overpowered, the auditory were called upon by persons outside to defend themselves. In the interval of time between those occurrences and the posting of the military, two parties came out from the church at different periods, the first at the above call, who returned without having used firearms, the latter after having used them; it was in that interval that Walsh, who had been prominent among the assailants, fell mortally wounded. The evident intention of the mob was to force their entrance into the church for the purpose of committing personal violence upon Gavazzi, and if obstructed in that object, it must be apparent that they would not have failed to assault his supporters and defenders. The troops did not take up their positions until after Walsh had been wounded, and the dispersion of the assailants on the church. The upper division was posted facing the Unitarian Church, and the lower, McGill Street. The remaining casualties which you have been called upon to investigate, occurred from the firing of these two divisions. By the firing of the lower divisions, Macrae and O'Neil met their deaths; and by that of the upper, Pollock, Gillespie, Adams, McGrath, Benally, Clarke and Hutchinson.

No mob, riot, or excitement whatever, is proved to have existed in front of the upper division when they fired, nor since the troops were brought to that position; the auditory, men, women, and children were quietly and peaceably leaving the Church, and proceeding homewards, and some of Her Majesty's Officers were immediately in front of the line of fire. With respect to the lower division, one or two shots having being fired near the American Church, which caused alarm, and a scattering of the people proceeding across the square, the Mayor, at that time, deemed it necessary to read the riot act, and the lower division immediately fired upon the people, and passengers in front of them.

Your investigation will necessarily, therefore, be subdivided into three branches. First, the cause or manner of the death of Walsh; 2ndly, the circumstances attendant upon the deaths caused by the firing of the lower division; and 3rdly, the circumstances connected with the death of the persons who suffered from the firing of the upper division.

Walsh's death was evidently caused by the fire of persons coming from the Church, and occurred, at from fifty to sixty paces distance between him and them: but whether he fell under the general fire of either of the parties, or of the person who discharged the revolver, or of him who discharged the double barrelled gun or rifle, it will be for you to declare: the evidence on this point affords no means of identifying the slayer, but clearly relieves Mr. Esdaile and Mr. Heward from all imputation in that respect. The law, as applicable to this point, may be summed up as follows: where homicide is committed in prevention of a forcible and atrocious crime, as, if a man attempt to rob or murder another, and be killed in the attempt, the homicide is justifiable and the slayer shall be discharged. Where one kills another in a sudden rencontre,

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in self-defence, or in defence of his wife, child, parent, or servant, and not from any vindictive feeling, the homicide is excusable. Voluntary homicide is where on a sudden quarrel, two fight, and one kills, or after great provocation, accompanied by some personal violence, and where, immediately on provocation being given, one kills the provoker, the homicide becomes manslaughter.

But malice will in all cases be implied, if one kill another suddenly, without any, or without considerable provocation, but no provocation whatever can render homicide justifiable, or even excusable. The instrument of homicide is always considered as governing the amount of provocation, it must be great indeed to justify the use of a deadly weapon. In this respect it is laid down as a general rule, that no words or gestures, however opprobrious or provoking, will be considered in law to be a provocation, and sufficient to reduce homicide to manslaughter, if the killing be effected with a deadly weapon, or if the wound had been given after the party had desisted, or if an intention to do the deceased some grievous bodily harm, be otherwise manifested. It is proper to add, that if one is killed in attempting to break open a house in the day time, with intent to commit any forcible or atrocious crime, not only the party whose person or property is attacked, but his servants or other members of his family, and even strangers present at the time, are equally justified in killing the assailants; but in all these cases, whether of provocation or of attack, or of attempt to commit a forcible crime, as above stated, there must be an apparent necessity for the killing, for if resistance had ceased, or if no reasonable necessity existed for the violence used, the killing would be manslaughter at least. With reference to the casualties from the firing of the troops, it must be borne in mind as a settled rule of law, that soldiers are merely armed citizens, and may like other citizens interfere to suppress an affray or riot; and if resisted, are justified in killing the resister; and like other citizens they are subject to the law and its punishments, for the manner in which they may conduct themselves upon such occasions. In case of any sudden riot or disturbance, any of Her Majesty's subjects, without the presence of a peace officer of any description, may arm themselves, and of course may use any ordinary means of force, to suppress such riot and disturbance. And what Her Majesty's subjects may do, they also ought to do, for the suppression of public tumult, when any exigency may require that such means be resorted to. Whatever any other class of Her Majesty's subjects may allowably do in this particular, the military may unquestionably do also. By the common law, every description of peace officer may, and ought to do, not only all that in him lies, towards the suppression of riots, but may and ought to command all other persons to assist therein. However, it is by all means advisable to procure a justice of the peace to attend, and for the military to act under his immediate orders, when such attendance and sanction of such orders can be obtained, as it not only prevents any disposition to unnecessary violence on the part of those who act in repelling the tumult, it induces also from the known authority of such magistrates, a more ready submission on the part of the rioters, to the measures used for that purpose; but still in cases of great and sudden emergency, the military as well as all other individuals, may act without their presence, or without the presence of any other peace officer, whatever. But in these and all similar cases the necessity for the killing must be evident, and the law in this respect, is positive and distinct. In case of a riot, or a rebellious assembly, officers and others, in endeavoring to disperse the mob, are justified in killing them both by common law, and under the riot act, if the riot cannot be otherwise suppressed, and it is laid down that private persons may justify killing dangerous rioters, *when they cannot otherwise suppress them, or defend themselves from them*, inasmuch as any person seems to be authorized by law, to arm himself for such purpose. Upon this portion of the enquiry, it has been admitted that the military force was called out upon the requisition of the civil authority, the Mayor of the city, under his immediate orders. You will determine whether the public peace was sufficiently disturbed, by a subsisting riot, to justify the application for a military force, whether any civil means at the disposal and command of the Mayor, had been previously exhausted by him; whether notice of the employment of military force had been given by the usual proclamation for silence, as required by the statute, and the reading

of the riot act by the Mayor in the presence of the people; whether reasonable time was allowed to elapse for the people to disperse; or whether circumstances of extreme necessity compelled him to bring the military into immediate collision with the people.

You will find upon these circumstances, bearing in mind that Mr. Wilson as Mayor would not be justified in transferring his civil authority to the military until it became necessary, nor before any disorder was sought to be quelled by the legal precaution of making the proclamation, which is intended to intimidate rioters, and to separate the innocent from the guilty, by giving due notice to all thoughtless people who, without any malevolence, are mixed with the multitude to separate from the ill-meaning; and moreover, Mr. Wilson was under double ties, for besides the general obligations of duty and humanity as a magistrate, a particular confidence was reposed in him as Mayor of the city, which, at the peril of his life, he was bound to account for and sustain.

To justify a recourse to this extreme necessity, a riot must exist, and to constitute a riot, three or more persons must be unlawfully assembled together; and to constitute this crime, it is not necessary that personal violence should have been committed; it is sufficient that there is some circumstance, either of actual force or violence, or at least of an apparent tendency thereto, naturally apt to strike a terror into the people, or even into *one* of Her Majesty's subjects, as the show of firearms, threatening menaces, or turbulent speeches; nor is it necessary to constitute a riot that the riot act should be read: before the proclamation can be read a riot must exist, and the effect of the proclamation will not change the character of the meeting, but will make those guilty of felony who do not disperse within an hour after the proclamation is read.

You will then find under what circumstances the military did fire, and whether under the sanction of civil or military authority. It will be scarcely necessary to state that the firing without command and not for self-defence would entail the charge of murder; that the firing even by command would be equally criminal if no apparent or justifiable necessity for the act existed, and in that case the commanding officer is equally implicated with his men. That the firing without such necessity, even under a mistake of the command proceeding from the officer would not relieve the soldier firing, from a similar charge, and that the firing by command, whilst it might relieve the soldiers if some necessity did in fact exist, would attach that criminality upon the commanding officer, unless it be shewn that such necessity was real and apparent, no order from any magistrate whatever can justify the homicides caused by the firing of the troops without necessity. Had the Mayor ordered the officer to fire upon the people when there was no just cause for so doing, such an order might subject the Mayor to the penal consequences which attend murder, but could not acquit the officer who might order the fire, who was not bound to obey such illegal order, and who, therefore, would have acted at his peril.

With reference to the evidence adduced before you, it is marked with the incongruities and contradictions which are the usual consequences of much excitement, and of protracted investigations into its causes. It will be your duty to weigh it dispassionately, bearing in mind that no negative evidence can take away a positive proof.

I will only add, that it is consistent with public interest as well as with that of the parties connected with the subject of your investigation, that a fair and strict enquiry should be made, to the end that power conferred for the preservation of the public peace should not be lightly or from any unjust motive, turned to the destruction of the people; and that whoever shall have so unjustifiably caused so cruel a loss of life, may be made an example, to restrain others in similar circumstances from the like dangerous misconduct for the future.

On the conclusion of the Charge the Jury retired, having previously requested to be furnished with the depositions, the returns of the Adjutant of the Regiment, and the Charge to the Jury.

At nine o'clock the Jury returned into Court, after an absence of four hours and a half.

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The Foreman, Mr. Mulholland, said the Jury had been unable to agree upon a verdict, but he was now prepared to hand in special returns; one signed and agreed to by 9, and another signed and agreed to by 7, and the remaining 3 had subscribed to an addition to the report signed by the 7. This was the only decision they had been able to come to in the matter. Mr. Mulholland then read the several reports as follows:—

We, the undersigned Jurors, find—

First,—That the deceased James Macrae and Thomas O'Neil came to their deaths by gun-shot wounds, inflicted by the fire of a certain division of Her Majesty's 26th Regiment, being one of two divisions of a detachment of 103 men of that Regiment, called out by the Hon. Chas. Wilson, Mayor of the city of Montreal, to aid the civil power, in consequence of anticipated disturbances on the 9th day of June last, on the occasion of the lecture then given by one Gavazzi, in Zion Church, in Radegonde Street in this city, which division was composed of the following officers and men, viz:—

Lieut. Finnie A. Quartley,

[Here follow the names of 40 men.]

The whole under the command of Lieut. Col. George Hogarth, C.B.

That this division of troops fired by the order of the said Hon. Chas. Wilson, Mayor aforesaid, delivered, after reading the Riot Act, by him directly to the soldiers of the said division, and not to the officer in command, either of the said division, or of the detachment.

That the said soldiers fired the aforesaid shots without any order from either the officer in command of the detachment or the divisions; that there was no riot or disturbance to justify or render necessary the giving of the said order or firing; and the said James Macrae and Thomas O'Neil, at the time of the infliction of the wounds aforesaid whereof they died, were in the Queen's peace.

Second,—That the deceased James Pollock, Peter Gillespie, Crosby Hanson Clarke, James Hutchinson, Daniel M'Grath, William Bonally, and Charles Austin Adams, came to their deaths by gunshot wounds inflicted by the other or upper division of the said detachment of the said Regiment on the said 9th day of June last past, composed of the following officers and men, viz:—

Captain Charles Cameron,

Lieut. Richard Chute.

[Here follow the names of 54 men.]

the whole under the command of Lieut. Colonel George Hogarth, C.B.; that this last named division of troops was stationed in rear of the first or lower division, at the distance of 37 military paces, back to back, and either from hearing the order of the Hon. Chas. Wilson, which order the Jury find was not limited to any one division or section of the aforesaid troops, or in consequence of hearing the fire of the first-named division, the last named division of soldiers fired without any orders from the officers, either in command of the detachment or of the division which they composed; that there was no riot or disturbance whatever to justify or render necessary the said order or firing, and the aforesaid James Pollock, Peter Gillespie, Crosby Hanson Clarke, James Hutchinson, Daniel M'Grath, William Bonally, and Charles Austin Adams, at the time of the infliction of the gunshot wounds aforesaid, which caused their deaths, were in the Queen's peace.

Thirdly,—That both the said order of the said Hon. Chas. Wilson delivered to the soldiers, and the firing of the soldiers without orders, were unnecessary, culpable, and unjustifiable.

Fourthly,—That the deceased, James Walsh, came to his death by wounds inflicted either by a pistol or other firearms discharged by one of a number of persons to the Jurors unknown, who were endeavoring to disperse a mob assembled in the vicinity of Zion Church, including among others the said deceased James Walsh, which mob had previously overpowered the Police Force of the city, brought out for the preservation of the peace on the occasion in question, and whose object it was to attack the said Gavazzi, or the audience

within Zion Church. The Jury further state, that the Police Force of the city, as well from insufficiency of numbers, as general incompetency, were not only entirely inadequate to the protection of the city on the occasion in question, but is so for every emergency.

Fifthly,—That the Jury, nevertheless, strongly reprobate the practice of individuals carrying arms, under their supposed necessity; and would urgently call on the authorities to take the promptest means for the establishment of an efficient Police Force, adequate to the maintenance of the public peace on all occasions.

Sixthly.—The Jury desire further to express their regret, that any body of Her Majesty's troops should be found so wanting in discipline as to fire without the lawful order of their officers; and they further express their regret, that any circumstances of assumed urgency should have induced the officer in command to have departed from the ordinary practice of directing the soldiers to load in the presence of those on whom it was intended to fire; and that the soldiers had not been instructed, previous to their coming on the ground, as to how they should act in such an emergency.

Lastly,—The Jurors cannot omit finding that, in the course of their investigation, evidence of the most conflicting and irreconcilable character was given, which, however desirous they have been to attribute to the mere erroneous impressions of witnesses, the Jurors cannot conceal has painfully impressed them as wilful and culpable perversions of truth, so injurious and dangerous in their consequences to society, that they desire to direct the special attention of the authorities to the depositions of

The Hon. CHARLES WILSON.

MICHEL RENAUD.

LOUIS LACROIX.

J. B. SIMARD, and

CHAS. SCHILLER.

Given under our hands at the Court House of Montreal, this eleventh day of July, One Thousand Eight Hundred and Fifty-Three.

(Signed,)

HENRY MULHOLLAND, Foreman.

CALVIN P. LADD.

W. A. TOWNSEND.

ROBERT ANDERSON.

EBENEZER C. TUTTLE.

WILLIAM C. EVANS.

THOMAS JENKING.

ALFRED SAVAGE.

J. W. HALDIMAND.

The undersigned Jurors, sworn on the view of the bodies of Jas. Pollock, Peter Gillespie, Crosby Hanson Clarke, James Hutchinson, James Walsh, James Macrae, Daniel M'Grath, William Bonally, Charles Austin Adams, and Thomas O'Neil, for the purpose of enquiring and reporting as to the cause of the death of the above named deceased, after having heard the evidence produced at the Inquest, begun on the 10th day of June last past, and thence continued up to this date before the Coroner of the District of Montreal, in the Court House, in the city of Montreal, are of opinion,

First,—That the said James Walsh came to his death from the effect of a gunshot wound received in his body, and fired by a person unknown on the evening of Thursday the 9th day of June last past, on the Haymarket Square in the said city; and 2nd, that the said James Pollock, Peter Gillespie, Crosby Hanson Clarke, James Hutchinson, James Macrae, Daniel M'Grath, William Bonally, Charles Austin Adams, and Thomas O'Neil, also came to their death from the effects of gunshot wounds received in their bodies, heads and limbs, and fired by the troops who had been called and stationed in two divisions, described at the Inquest as upper and lower divisions, on the said evening of the 9th June last past, on the Haymarket Square, in order to quell any riots which might occur in consequence of a lecture being at the time delivered in

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Zion Church by one Gavazzi. Said gunshots so fired by the said troops, and which caused the death of the last named persons, appear to the Jurors to have been discharged in consequence of military words of command uttered by a person unknown, other than Colonel Hogarth, Captain Cameron, Lieut. Quartley, or other officer in command of the said troops, immediately before the time the said fire took place. The discharge of the military is the more to be regretted, inasmuch as, though the Mayor may have been justified in reading the Riot Act at the time, he did it in consequence of an assemblage of persons, who were conducting themselves in a riotous and threatening manner, and discharging fire-arms at a certain distance from the troops, that it was nevertheless unnecessary to have recourse to such discharge by the military to disperse a mob which only threatens at the time, the lives of those concerned in it; and that such assemblage could have been easily dispersed by other means, without perhaps any sacrifice of lives; more particularly as there was not at the time in any place near where the troops were stationed, any riots or tumultuous assemblage. Although the undersigned Jurors do not reproach the military with having acted against the rules of military discipline, they nevertheless think it their duty to express themselves strongly against the precipitation with which the various orders and consequent movements are made by the military on like occasions, and would earnestly recommend that if unfortunately the services of the military should again be required for any similar purpose, the intervals between such different orders should be made long enough to admit of an opportunity to persons likely to be exposed to the fire of the troops to get safely out of reach.

In conclusion, the undersigned Jurors cannot refrain from suggesting that it would be desirable in future to rely rather on an armed police, than on the military for the suppression of dangerous riots.

Montreal Court House, 11th July, 1853.

(Signed,)

J. BELLE.
JAMES MEGORIAN.
J. B. BEAUDRY.
AMABLE LAFLAMME.
LOUIS RENAUD.
THOMAS CONWAY.
NEIL DOHERTY.

The undersigned, Jurors concur in the foregoing report, with the exception of the last paragraph therein contained, respecting an armed Police.

(Signed,)

AMABLE PREVOST.
F. X. BRAZEAU.
J. A. LABADIE.

The Coroner then discharged the Jury, remarking that, notwithstanding their inability to agree upon a verdict, he was sure the whole country would feel satisfied that the manner in which they had devoted their time and attention to this long protracted investigation was in the highest degree creditable to them, and that they had acted conscientiously in the performance of the duty which had been assigned them.

The result of the Coroner's Inquest, as exhibited in their separate "findings," was very much what had been expected. It had long been evident, from the nature of the questions proposed by the Jurymen, that no verdict would be rendered; and sooth to say, the public mind had drawn its own verdict, irrespective of the Jury. Under these circumstances, therefore, the writer will not attempt a dissection of these partly-colored findings, but closes his short, "unvarnished

tale," with the consciousness that, although it may indicate his Protestantism, it does not reveal a rancorous feeling towards any class of his fellow-citizens; the measure of liberty he desires for himself he is quite willing to concede to others.

The death of Michael Donnelly having occurred after the closing of the general Inquest, another Jury was summoned to investigate its cause. The result was somewhat similar to the other. Eleven Jurymen found that he had come to his death by the firing from Zion Church, of certain persons unknown, *and that there was no necessity for the said fire.* The other eight returned that he had come to his death from the fire of unknown persons then in the direction of Zion Church, only. It may be remarked, that while, in his charge to this Jury, the Coroner, as on the previous occasion, presented the mob as making an attack upon the Church, he further stated, that this particular man Donnelly was among the riotous persons, and came to his death while thus unlawfully engaged.

It has been a matter of surprise that, with the exception of *Le Moniteur*, no newspaper published in the Roman Catholic interest, should have loudly vindicated the right of free speech and discussion, which certainly ought to be of as much importance to the part of the population they represent, as to any other; and it has likewise been regarded as very strange, that no Roman Catholic Irishman should publicly and distinctly have raised his voice in its defence. This silence has looked very much like a consent to abnegate the principle, and has given occasion to others to charge it upon Roman Catholics as a necessary concomitant generally of their faith. It is therefore with no little pleasure that, at the eleventh hour, the writer has read a letter signed "Observer,"—evidently by an Irish Roman Catholic,—addressed from Quebec to the *Boston Pilot*, in which the following sentences occur:—"But I ask, *can it be denied* that Gavazzi had a right to lecture within the four walls of any building, permission being granted by the proper authorities? And is it not true that if such controul as that set up in this City on the 6th of last month, obtain with, and be defended on the one side, 'means will be found to take reprisals on the other'? No sane man can deny that such a result would as surely follow such a cause, as that warmth is produced by the sun's rays. — the question to be looked in the face, and to be solved by an unbiassed understanding, is one of principle, involving alike the rights and the safety of Catholics and Protestants."

Now this is well said, and excepting the "permission being granted by the proper authorities," which smacks of censorship, is thoroughly orthodox. The dissemination of such sentiments by Roman Catholics, would soon put down the "blood boiling" people or keep them at home.

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Having brought this brief account of the terrible tragedy of the 9th June to a close, it will doubtless be expected that something should be said in relation to the course which the Crown officers have pursued, or should have pursued, in order to bring the whole affair under judicial investigation. Up to the time of this writing, (August 1st,) it does not appear that any steps have as yet been taken in the premises. Shortly after the outrage the Government appointed three persons, viz., A. M. Delisle, C. Ermatinger, and H. Driscoll, Esquires, to do something, the precise nature of which was not very definite. The Hon. Mr. Badgley seems to have represented the Government at the Inquest, and it may be that his report will shape the action which the officers of the Crown will take—if any be taken. Respecting the necessity of some action, by trial of the parties responsible for the massacre, there can scarcely be a difference of opinion; but the apparent indifference with which the case has been treated by the Executive, has already occasioned much suspicion as to their good faith; and the ultra-Protestants have pretty well made up their minds not to expect what they would regard as rigid justice. Much controversy has also taken place in our City papers upon that point; and, on the whole, it cannot be denied that the sluggishness of the Crown officers has been made sufficiently evident.

After a patient waiting, the Committee of Vigilance addressed the Provincial Secretary to ascertain whether the Government intended to bring the matter before the Courts of Justice. The reply of that functionary was amazingly curt, in fact almost uncourteous; it simply acknowledged the receipt of the letter, and that in the most formal and laconic terms. Determined to elicit a reply, the Committee applied again, to know if the former answer was to be considered as final. The Secretary's rejoinder promises that "such steps will be taken in the premises as may best promote the ends of justice," and it may be assumed that public opinion will compel a performance.

Meanwhile a notice of action to recover damages has been served upon the Mayor by the friends of James Macrae, deceased, and it is understood that others will immediately follow.

So stands the matter; and with the exception of a Military Court of Inquiry, which resulted in nothing, it may be said that the subject remains in abeyance.

A word about the Engraving. Most persons present at and near to the time the soldiers fired, will admit the faithfulness of the sketch. A difference of even one minute, when a street is full of people moving about, may change the positions very much. The scene

has been represented as truthfully as the limner's recollection allowed. The persons prostrate before the troops are those who crouched when they saw the muskets pointed at them. The whole number of people exposed to the fire of the upper division might be about two hundred.

Some slight liberties have been taken with the left foreground by the engraver, who, to make the picture look better, has filled up a space left blank in the drawing. In all the essential particulars, however, such as the positions of the two divisions of the military, the Church, and the audience retiring from it, the plate may be considered, and has been pronounced, a faithful representation. As a memorial of a most melancholy and deplorable event, it will no doubt possess some interest even in after times.

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